



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,772	11/02/2001	Toshio Ueno	01706/LH	4311
1933	7590	04/18/2006	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			ZURITA, JAMES H	
		ART UNIT	PAPER NUMBER	
		3625		

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,772	UENO, TOSHIRO	
	Examiner	Art Unit	
	James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4-12,15-22 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 4-12, 15-22 and 25-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Prosecution History

On 2 November 2001, applicant filed the instant application.

On 30 August 2004, the Examiner issued a first office action, rejecting all claims.

On 2 November 2005, applicant cancelled claims 2-3, 13, 14, 23 and 24 and amended claims 1, 4-12, 15-22 and 25-33.

On 28 February 2005, the examiner issued a final rejection of pending claims 1-4, 15-22 and 25-33.

On 8 June 2005, applicant submitted an after final amendment.

On 5 July 2005, the Examiner mailed an advisory action.

On 13 July 2005, applicant filed a request for continuing Examination.

On 29 September 2005, the Examiner rejected claims 1, 4-12, 15-22 and 25-33

Response to Amendment

On 29 December 2005, applicant amended claims 1, 12, 22.

Claims 1, 4-12, 15-22 and 25-33 are pending and will be examined.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-12, 15-22 and 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kageyama (US 6,333,790) in view of Cornett et al. (US 5,216,612).

As per claim 1, Kageyama discloses methods, systems and computer-executable instructions for coping changes in hardware including:

accessing an plurality of image forming apparatuses (printers, item 200, Fig. 1) of a plurality of users (Fig. 1, item 1001, for example) through a computer network (Fig. 1, item 110, for example) and acquiring information on the apparatuses of the users (see, for example, Col. 1, line 50-Col. 2, line 8, which discloses that a centralized system, Fig. 1, item 400, acquires information on the printer apparatuses of users 1001). The information may comprise count data of at least one of printing and copying (see, for example, Fig. 10, item 10C, **number** of sheets spent).

acquiring information on a part to be changed from image forming apparatuses that require the part change. See, for example, references to replacement of parts, Col. 2, line 39-Col. 3, line 3.

generating information on the image forming apparatuses that require the part change, based on the information on the apparatuses of the users and the information on the part to be changed. See, for example, Col. 3, lines 4-12, concerning transmitting information that is generated.

providing the information on the apparatuses that require the part change to a terminal operated by a maintenance administrator. See, for example, at least Col. 18, lines 1-24.

Kageyama **does not** specifically disclose calculating, for each part to be changed, a total quantity of the part to be changed based on the information on the

apparatuses that require the part change. This feature is disclosed by Cornett. See, for example, at least Col. 15, lines 50-61.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kageyama and Cornett to disclose calculating, for each part to be changed, a total quantity of the part to be changed based on the information on the apparatuses that require the part change.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Kageyama and Cornett to disclose calculating, for each part to be changed, a total quantity of the part to be changed based on the information on the apparatuses that require the part change for the obvious reason that by doing so, production efficiency can be maintained and lost production time may be minimized.

As per claim 4, Kageyama discloses generating order data or for the part to be changed based on the **calculated** total number of parts to be changed. See, for example, references to **calculating** and ordering a part based on information that one part needs to be changed, as in Col. 2, lines 39-67.

As per claim 5, Kageyama discloses transmitting order data to a service parts system. See, for example, references to service processing part that performs acceptance processing of an order, Col. 3, lines 4-12.

As per claim 6, Kageyama discloses that acquired information on the part to be changed includes solution information, and the solution information is provided to the terminal operated by the maintenance administrator along with the information on the apparatus that require change the part change. See for example, references to solving

particular difficulties, as in Col. 1, lines 7-42. See also references to proposing replacement of a part, as in Col. 2, line 39-67.

As per claim 7, Kageyama discloses information on the apparatuses of the users includes a product manufacture number. See, for example, Fig. 10, printer manufacturing number.

As per claim 8, Kageyama discloses information on the apparatuses of the users includes information on an option configuration. See, for example, at least Fig. 10, and references to printer information, including options for installation, system construction.

As per claim 9, Kageyama discloses information on the apparatuses of the users includes information on a network configuration. See, for example, at least Col. 8, lines 30-Col. 9, line 14, concerning network topologies.

As per claim 10, Kageyama discloses that the information on the apparatuses of the users includes usage condition information. See, for example, Fig. 10, and references to period of use.

As per claim 11, Kageyama discloses that the information on the apparatuses of the users includes software information. See, for example, Fig. 10 and references to printer controller; see also Figs. 2 and 6, for other information concerning a printer, including software such as user operating panel and interface.

As per claim 31, Kageyama discloses that software information comprises software version information. See, for example, references to updating printer software, as in Col. 15, lines 48-65 and Col. 17, lines 1-47.

Claim 12 is rejected on the same grounds as claim 1.

Claim 15 is rejected on the same grounds as claim 4.

Claim 16 is rejected on the same grounds as claim 5.

Claim 17 is rejected on the same grounds as claim 6.

Claim 18 is rejected on the same grounds as claim 7

Claim 19 is rejected on the same grounds as claim 8.

Claim 20 is rejected on the same grounds as claim 11.

Claim 21 is rejected on the same grounds as claim 10.

Claim 22 is rejected on the same grounds as claim 1.

Claim 25 is rejected on the same grounds as claim 4.

Claim 26 is rejected on the same grounds as claim 5.

Claim 27 is rejected on the same grounds as claim 6.

Claim 28 is rejected on the same grounds as claim 7

Claim 29 is rejected on the same grounds as claim 10.

Claim 30 is rejected on the same grounds as claim 11.

Claim 32 is rejected on the same grounds as claim 31.

Claim 33 is rejected on the same grounds as claim 31.

Response to Arguments

Applicant's arguments filed 8 June 2005 have been carefully considered.

Claim objections are withdrawn in view of applicant's comments and their implications.

Art Unit: 3625

Applicant argues:

...Indeed, it is respectfully pointed out that the Examiner has merely identified portions of Kageyama that (according to the Examiner) correspond to the "accessing," "acquiring" "generating" and "providing" steps recited in claim 1, and it is respectfully pointed out that the Examiner has not addressed the "calculating" feature of claim 1 and corresponding system and program claims 12 and 22.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Further, Applicant has not persuasively demonstrated that the Examiner applied unreasonable interpretation of the recited features, that the interpretation is inconsistent with the specification, or that applied interpretation is repugnant to one of ordinary skill in the art.

Claims yet unpatented are to be given the broadest reasonable interpretation consistent with the specification during the examination of a patent application." In re Prater, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). For example, Applicant's claimed limitation of "...providing the informationto a terminal operated by a maintenance administrator..." is interpreted as presenting information to a user at a terminal, even though applicant fails to provide support for this limitation in the specifications.

Applicant argues:

According to Kageyama, a system is provided in which a printer, which is instructed to print by a first computer, has a printer controller (which manages the individual printer locally) and a printer engine. According to Kageyama, the second computer is able to monitor information relating to the operating status of the printer, and can suggest ordering of a replacement part. In response to the suggestion, according to Kageyama, the printer controller/first computer can order the suggested part by transmitting an order to the second computer.

It is respectfully submitted, however, that the "third printing system of Kageyama, as described in the disclosure cited by the Examiner at column 2, line 29 to column 3, line 3, merely discloses performing individual transactions with monitored printers.

Applicant's reading of Kageyama is overly narrow. The Examiner respectfully directs applicant's attention to other portions of Kageyama that specifically refer to total printer management information in order to manage a plurality of printers, as in Col. 5, lines 44-55.

Examiner cites particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3625

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**James Zurita
Patent Examiner
Art Unit 3625
10 March 2006**

*James Zurita
Patent Examiner
AU 3625*


**Robert M. Pond
Primary Examiner**